

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 10410 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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ABHESINGH KALYANSANGH & 3 - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MS KALPANA BRAHMBHATT for Petitioner(s) : 1 - 4.

MR AY KOGJE AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 12/01/2007

ORAL JUDGMENT

1. Heard Ms.Kalpana Brahmbhatt, learned counsel for the
petitioners and Mr.A.Y. Kogje, learned Assistant

Government Pleader for the respondents – State.

2. The present is a petition where-under, the petitioners seek to challenge the orders passed by the revenue authorities under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (Act No.33 of 1976). The said Act has been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (Act No.15 of 1999). The said Repeal Act received the assent of the President on 22/3/1999 and was published in the Government Gazette in the Extraordinary Part-II, Sec.1 dtd.22/3/1999. Sec.4 of the Repeal Act provides that all the proceedings relating to any order made or purported to be made in the principal Act pending immediately before the commencement of the Act before any Court, Tribunal or any authority shall abate. While Sec.3 provides that repeal of the principal Act shall not affect the vesting of any vacant land under sub-section (3) of sec.10 of the Repeal Act, the possession of which has been taken over by the State Government or any person duly authorised by the State Government in their behalf or by the competent authority.
3. In the present matter, from the letter dtd.7/6/2005 sent by the Competent Authority and Additional Collector to

the learned Assistant Government Pleader, it clearly appears that the possession of the land in dispute has not been taken over by the State Government or its officers. It is also to be seen that this Court had granted ad-interim relief on 19/8/1994 in favour of the petitioners. As the petitioners continue to be in possession of the property, sec.4 would have its full effect and the proceedings would abate. All the orders passed by the revenue authorities which are impugned in this writ application are hereby quashed. The petition is allowed. Rule is made absolute.

(R.S. GARG, J.)

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